

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 3-12, 14, and 16-24 are pending prior to the Office Action. Claims 19, 21, and 22 have been canceled through this reply. Therefore, claims 3-12, 14, 16-18, 20, and 23-24 are pending. Claims 12, 14, and 16 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

Summary of the Office Action

Claims 3, 5, 7-10, 12, 14 and 16-18 are rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by *Kotani* (US 2002/0078038 A1). Claim 6 is rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Kotani* (US 2002/0078038 A1) in view of *Shaffer et al.* (US 6,389,181). These rejections are respectfully traversed

Claims 4 and 11 have been indicated as containing allowable subject matter. Applicant thanks the Examiner for the indication that defendant claims 4 and 11 contain allowable subject matter.

Rejection under 35 U.S.C. § 102(e)

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, *Kotani* fails to teach or suggest each and every claimed element.

For example, independent claim 12 recites, *inter alia*, “appending information generating means for generating appending information based on contents of an image data when the image data is received from outside of the image processing apparatus.” *Emphasis added.*

The claimed amendment now clearly recites “the image data is received from outside of the image processing apparatus.” The claimed invention judges whether the received image data (which is received from outside of the image processing apparatus) is to be maintained in the data storage unit of the image processing apparatus based on the correlativity. One benefit of the claimed invention is that it can collect only the image data having a high correlativity.

On the other hand, Kotani merely discloses to search image data among various image data which is received through data input/output unit 100 of an image search apparatus, and then appears to be stored *in a storage* unit 102 of the image search apparatus (please refer to Fig.1). Then, Kotani merely displays the images which match the search condition as the Examiner states. That is, regardless of whether the selected image is displayed or not, all the image data of Kotani is necessarily maintained in the data storage unit. As can be seen from this, Kotani does not judge whether the received image data is to be maintained in the data storage unit based *on the* correlativity, as required in the independent claims, and cannot collect only the image data having a high correlativity in the image search apparatus, among various image data which is received from the outside of the image search apparatus, as achieved by the claimed invention.

For at least the above reason, we believe that the claimed invention is patentably distinguishable over Kotani.

CONCLUSION

Claims 14 and 16 include at least one element similar to those discussed above with regards to claim 12 and dependant claims thereon are allowable for the reasons set forth above with respect to claim 12.

Therefore, for at least these reasons, all claims are believed to be distinguishable over the Kotani reference. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 3-12, 14, 16-18, 20, and 23-24 are distinguishable over the cited references.

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

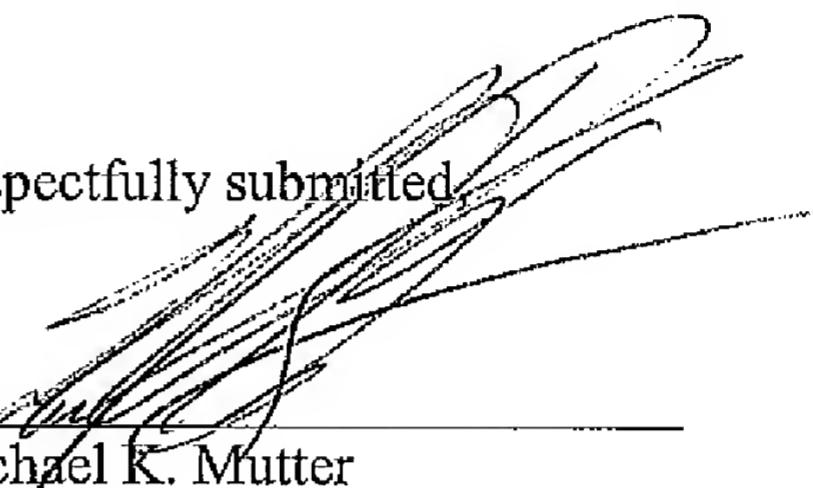
Applicant respectfully requests that the claims 3-12, 14, 16-18, 20, and 23-24 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 9, 2007

Respectfully submitted,

By 
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant